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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/857,273	05/16/1997	PETER A. RONZANI	07171083-008	3991
21005 7590 04/27/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER LIANG, REGINA	
			ART UNIT	PAPER NUMBER
			2629	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/27/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

08/857,273

Applicant(s)

RONZANI ET AL.

Examiner

Regina Liang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21,23-29,32-34,36,38,40,42-48,51-55,57,58,86-93,98,99,101,102,104,105,107,114 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Continuation of Disposition of Claims: Claims pending in the application are 21,23-29,32-34,36,38,40,42-48,51-55,57,58,86-93,98,99,101,102,104,105,107 and 114.

DETAILED ACTION

1. The Final Office action mailed 9/20/06 is withdrawn.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 21, 23-29, 32-34, 36, 38, 40, 42-48, 51-55, 57, 58, 86-93, 98, 99, 101, 102, 104, 105, 107, 114 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,421,031. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious over each other.

The following is a comparison of claim 21 of this application and claim 5 of US patent 6,421,031.

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claim 21 of present application	claim 5 of US patent 6,421,031
<p>a portable wireless communications device comprising:</p> <p>a) a portable housing;</p> <p>b) a wireless receiver within the housing for receiving wireless audio-video data;</p>	<p>a camera display device comprising:</p> <p>housing;</p> <p>an electronic imaging camera attached to the housing;</p>
<p>c) a display module attached to the housing, the display module comprising:</p> <p>i) an active matrix liquid crystal display panel, the display panel having an active matrix circuit and an array of at least 300,000 pixel electrode;</p>	<p>an active matrix liquid crystal display attached to the housing, the display having an active matrix circuit including an array of pixel circuits and an array of pixel electrodes; wherein the display has an array of at least 640x480 pixel electrodes</p>
<p>ii) a light source that is optically coupled to the display panel, wherein light from the light source backlights the display panel;</p>	<p>a light source attached to the housing that illuminates the display with red, green and blue light emitting elements;</p>
<p>iii) a lens magnifying an image displayed on the display panel for viewing by a user, wherein the active matrix display panel, the light source and the lens are located on a single optical axis extending along a line of</p>	<p>a lens that enlarges an image displayed on the display for viewing by a user such that the active matrix liquid crystal display and the lens are located on a single optical axis extending along a line of sight of the user;</p>

signal of the user; and	
iv) a display driver circuit coupled to the active matrix circuit, the display driver circuit forming images on the display panel from the received image data;	a display control panel on the housing; and
d) a processing unit mounted within the housing and coupled between the wireless transceiver and the display driver circuit; and	an image processing circuit in the housing and connected to the electronic imaging camera and the display;
e) a battery carried by the housing for powering the processing unit, the wireless transceiver, the display panel, the light source, and the display driver circuit.	A battery carried by the housing that provides power to the display, the light source, the camera and the processing circuit.

As can be seen above, claim 21 of this application is similar to claim 5 of US patent 6,421,031, they are obvious over each other.

4. Claims 21, 23-29, 32-34, 36, 38, 40, 42-48, 51-55, 57, 58, 86-93, 98, 99, 101, 102, 104, 105, 107, 114 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,683,584. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are obvious over each other.

The following is a comparison of claim 21 of this application and claim of US patent 6,683,584.

claim 21 of present application	claim 7 of US patent 6,683,584
<p>a portable wireless communications device comprising:</p> <p>a) a portable housing;</p> <p>b) a wireless receiver within the housing for receiving wireless audio-video data;</p>	<p>a camera display device comprising:</p> <p>a housing;</p> <p>an electronic imaging camera attached to the housing;</p>
<p>c) a display module attached to the housing, the display module comprising:</p> <p>i) an active matrix liquid crystal display panel, the display panel having an active matrix circuit and an array of at least 300,000 pixel electrode;</p>	<p>an active matrix liquid crystal display attached to the housing, the display having an active matrix circuit including an array of pixel circuits and an array of pixel electrodes; wherein the display has an array of at least 640x480 pixel electrodes</p>
<p>ii) a light source that is optically coupled to the display panel, wherein light from the light source backlights the display panel;</p>	<p>a light source attached to the housing that illuminates the display with a plurality of distinct colors;</p>
<p>iii) a lens magnifying an image displayed on the display panel for viewing by a user, wherein the active matrix display panel, the</p>	<p>a lens that adjusts the dimensions of an image displayed on the display for viewing by a user such that the active matrix liquid crystal</p>

light source and the lens are located on a single optical axis extending along a line of sight of the user; and	display and the lens are located on a single optical axis extending along a line of sight of the user;
iv) a display driver circuit coupled to the active matrix circuit, the display driver circuit forming images on the display panel from the received image data;	
d) a processing unit mounted within the housing and coupled between the wireless transceiver and the display driver circuit; and	an image processing circuit mounted within the housing and connected to the electronic imaging camera and the display;
e) a battery carried by the housing for powering the processing unit, the wireless transceiver, the display panel, the light source, and the display driver circuit.	

As can be seen above, claim 21 of this application is similar to claim 7 of US patent 6,683,584.

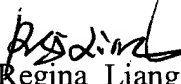
Claim 7 of US patent 6,683,584 differs from claim 21 of this application in not having a display driving circuit and a battery. However, the patent claim is in comprising format and therefore covers structure not specifically recited. The patent disclosure clearly describes a display driving circuit and a battery and is encompassed by the patent claim comprising format.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Regina Liang
Primary Examiner
Art Unit 2674

4/25/07